

## **Lower North Fork, Orderville Gulch, and Hogs Heaven Allotments Permit Renewals**

### **Environmental Assessment (EA)**

**EA Number UT-046-01-022**

#### **I. PURPOSE AND NEED**

##### **Introduction**

The Orderville, Utah area was settled in the 1860's. The pioneer settlers found it to be more suited for grazing of livestock than for subsistence farming. Due to the primitive and harsh conditions of the area, there was no intensive grazing management on the public lands, with no established livestock numbers or seasons of use during this early settlement period.

After the enactment of the Taylor Grazing Act in 1934, grazing allotments were created and the number and kind of livestock, and season of use were established for the area. In 1946, the Bureau of Land Management was established and in the 1950's and 1960's range surveys were completed on the public lands to determine the amount of forage being produced. Following these surveys, grazing capacity for the allotments was adjudicated. The number of livestock authorized on most of the allotments was decreased to facilitate meeting management objectives. Through the 1970's sheep were the primary kind of livestock grazing this area. The number of livestock in Kane County decreased significantly between 1913 and 1993.

Traditionally, grazing has been authorized on the Lower North Fork, Orderville Gulch, and Hogs Heaven Allotments through ten (10) year term grazing permits. The current permittees or applicants by allotment are: Doug Cox on Orderville Gulch, Nelson & John Bulloch on Lower North Fork, and Henry Matt Bulloch on Hogs Heaven.

##### **Purpose and Need**

Grazing permits for the Lower North Fork, Orderville Gulch, and Hogs Heaven Allotments were renewed upon application pursuant to the provisions of Section 123 of Public Law 106-113 (enacted on November 29, 1999) for a 10 year period. This legislation allowed BLM to issue new grazing permits for those permits expiring in Fiscal Year 2000 without completing the National Environmental Policy Act (NEPA) review process or consultation with the United States Fish and Wildlife Service (USF&WS) under Section 7 of the Endangered Species Act. The purpose of this legislation was to allow permit renewals pending NEPA compliance. The terms and conditions in these recently issued permits are the same as those in the previously expired ones.

An interdisciplinary team has developed this environmental assessment (EA) for the purpose of analyzing the potential site-specific effects of livestock grazing on resources that may be affected in the Lower North Fork, Orderville Gulch, and Hogs Heaven Allotments. This

approach is needed to ensure that all management actions on public land conform with the appropriate land use plans, are site specific, and balance uses between different resource values. If changes in the terms and conditions or other aspects of the existing permits are identified in this EA, the grazing permits would be canceled and reissued with modified and/or additional terms and conditions included.

## **Issues**

Identification of issues for this assessment was accomplished by considering the resources that could be affected by implementation of one of the alternatives, as well as through involvement with the public and input from a BLM interdisciplinary team. Public involvement and notification consisted of posting the proposal on the Utah BLM Environmental Notification Bulletin Board (ENBB) on July 10, 2001; sending letters to local governments, tribes, environmental groups, and interested citizens on November 2, 2001; conducting a riparian field trip to discuss issues on May 8, 2001 for the surrounding watershed area these allotments are a part of; and a shrub land field trip on May 10, 2001. These field trips, posting the proposed project on the ENBB, and letters to the public served as notification of BLM's intention to evaluate these allotments. A rangeland and riparian health functional evaluation was initiated for these allotments in 1999 and completed in 2001. See Chapter V for a list of parties contacted during the course of the environmental assessment. Issues identified through the process described above were:

- **Threatened, Endangered or Candidate Species**

- ▶ **Southwestern Willow Flycatcher** (*Empidonax traillii extimus*) is a federally-listed endangered species. While there is no documented species occurrence within the analysis area, potentially suitable habitat exists for the southwestern willow flycatcher in the North Fork of the Virgin River (southern boundary of the Hogs Heaven Allotment) and Orderville Gulch (Orderville Gulch Allotment). Habitat impacts may occur due to livestock grazing.
- ▶ **Mexican Spotted Owl** (*Strix occidentalis lucida*) is a federally listed-threatened species. The Orderville Gulch Allotment contains a portion of the Orderville Gulch 3 Protected Activity Center (PAC). Livestock grazing may impact habitat within this PAC.

- **Wetlands/Riparian Zones**

Orderville Gulch Allotment has lentic and lotic type riparian areas. These riparian areas may be impacted by livestock grazing.

- **Vegetation**

The potential exists for deterioration in ecological condition in the allotments through improper livestock grazing practices.

- ▶ Recreation

This group of allotments includes portions of Orderville Canyon and the North Fork Virgin River Canyon. Both canyons are popular with hikers and their popularity is increasing as people seek narrow hiking opportunities. Interactions between livestock and the recreating public are common and unavoidable during the grazing season since the canyons are narrow.

### **Issues Considered But Not Addressed Further**

Three other issues were cited during public involvement but will not be considered further for the reason(s) stated. These issues are discussed below.

- BLM Wilderness Inventory Areas

The analysis area contains six Wilderness Inventory Areas (WIAs), all of which are associated with the Orderville Canyon Wilderness Study Area (WSA), and are within the Orderville Gulch Allotment. Five of these WIAs were identified as having wilderness characteristics in BLM's 1999 wilderness inventory.

Livestock grazing is an historical use that was identified as acceptable in the Wilderness Act of 1964. Grazing was occurring in these allotments at the time of the *1999 Utah Wilderness Inventory*. It was determined that the lands in wilderness inventory areas have wilderness characteristics. Livestock grazing in these allotments has had no noticeable impact on wilderness characteristics historically, and the nature of grazing in the next 10 years is not expected to change. There are no proposals at this time for new facilities (e.g. fences or ponds) or surface disturbing activities that could affect wilderness characteristics. Any facilities or activities that may be proposed in the future would be considered on a case-by-case basis, and impacts to wilderness values would be assessed and mitigated as appropriate at that time. Consequently, there would be no impacts to wilderness characteristics as a result of actions proposed in this EA. Wilderness characteristics are therefore not analyzed further in this EA.

- Externally Generated Wilderness Proposal Areas

There are lands within the analysis area that have been identified by the Utah Wilderness Coalition for wilderness designation. Legislation has been introduced into Congress (H.R. 1613 and S. 786) to designate these lands as wilderness. One unit is associated with the North Fork Virgin River WSA and has not been inventoried by the BLM. A second unit is associated with Orderville Canyon WSA and was not found to have wilderness character in the 1999 wilderness inventory. At this time, there is no new significantly different information that would compel BLM to consider or reconsider the wilderness character of these lands or to believe that there is a reasonable probability that the lands may have wilderness character, and they are not addressed further in this EA.

- Wildlife

There are populations of deer and/or elk which may use the analysis area in the summer and winter months. Herbaceous vegetation provides these species with an important source of cover and forage, particularly during the early spring season when rearing of young occurs.

Livestock utilization of current years growth (by weight) during the grazing season would not exceed 50% on key forage herbaceous species under the Proposed Action, or 60% under the No Action Alternative. These utilization levels would allow for maintenance of the vegetation, and would not impact habitat suitability for these species. This issue is therefore not addressed further in this document.

#### **Conformance with Land Use Plan**

The Zion Resource Management Framework Plan III (MFP III), approved June 1979, identifies these allotments as being open for livestock grazing and falling within the authority of the 1934 Taylor Grazing Act, the 1976 Federal Land Policy and Management Act, and the Grazing Administration regulations under 43 CFR 4100.

The proposed action and alternative are in conformance with Zion MFP III Decisions RM1.1, RM1.3, RM2.1, RM2.2, RM2.3, RM2.4, RM2.5, RM2.6, RM2.7 and RM2.8.

The proposed action and no action alternatives would meet or continue to meet these decisions. It has been determined that the proposed action and no action alternatives would not conflict with other decisions throughout the plan.

#### **Relationship to Other Statutes, Regulations or Plans**

The proposed project area is located in Kane County. The proposed action is in compliance with the Kane County General Plan (adopted June 1998), which outlines that one of the "purpose[s] and intents[s of] public land policy" in the County is "...continued grazing use of federally managed land." The General Plan goes on to state that "The expectation for continuation of the livestock industry in the County is essential to support economic stability and to preserve the custom and culture of the citizens" (p. 123).

In conformance with the policy developed by the Utah State Director and approved by the Secretary of Interior, the alternatives would be in compliance with the following:

The alternatives consider 43 CFR 4100.0-8 which states, in part, "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans." The alternatives also consider 43 CFR 4130.2(a) which states, in part, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

The alternatives are in compliance with the Fundamentals of Rangeland Health (43 CFR 4180) and Utah's Standards and Guidelines for Rangeland Health which address watersheds, ecological condition, water quality and habitat for special status species. These resources are either analyzed later in this document or, if not impacted, are listed in Table 6 in Chapter III of this EA and in the Interdisciplinary Team Review Record (available in the project file).

The alternatives are in conformance with Utah Riparian Management Policy (Instruction Memorandum UT-93-93, March 1993). This policy states that riparian areas will be maintained in or improved to "Proper Functioning Condition". In addition, the alternatives comply with the following laws and/or agency regulations, other plans and are consistent with Federal, state and local laws, regulations, and plans to the maximum extent possible.

- ◆ Taylor Grazing Act (TGA) of 1934
- ◆ Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.)
- ◆ Public Rangelands Improvement Act (PRIA) of 1978
- ◆ Endangered Species Act (ESA) of 1973 as amended
- ◆ 43 CFR 4100 Grazing Administration-Exclusive of Alaska
- ◆ Standards of Quality for Waters of the State, R317-2-6, Utah Administrative Code, December 1997
- ◆ Section 106 of the National Historic Preservation Act of 1966 (as amended)

## **II. PROPOSED ACTION AND ALTERNATIVES**

This chapter on alternatives is composed of two parts: a description of alternatives not considered at length, and a discussion of the alternatives considered and analyzed (including the proposed action).

### **Alternatives Eliminated from Further Consideration**

- **No Grazing.** Under this alternative, livestock grazing would not be authorized for these allotments. This alternative was not considered further because it would be inconsistent with the intent of Taylor Grazing Act and the decisions and analysis in the Zion MFP.

### **Description of the Alternatives**

#### **1. Alternative A - Proposed Action/Agency Preferred Alternative (Cancel Existing Grazing Permits and Reissue with Modifications)**

Under this alternative, BLM would:

- Cancel the existing permits (Table 2) and reissue term (ten year) grazing permits on the Lower North Fork, Orderville Gulch, and Hogs Heaven Allotments as listed in Table 1. There would be modifications to existing terms and conditions of the permits (see below). Livestock (cattle) grazing would occur during the seasons of use and with the number of AUMs identified in Table 1. No changes would be made to available AUMs for any of the allotments included in this EA.

Season of use for the Orderville Gulch Allotment would change from May 16 - October 15 to July 1 - September 30 in order to minimize spring grazing and help areas on this allotment to move toward Proper Functioning Condition. There would be no changes in seasons of use for the Lower North Fork Allotment or Hogs Heaven Allotment.

- The allotments would continue to follow the Lower North Fork, Orderville Gulch, and Hogs Heaven Allotments Management Plans (AMPs), or Grazing System Plans (GSPs) where applicable, but these plans would be superseded where appropriate by new management objectives contained within the Terms and Conditions of this EA. Any area within the allotments not in compliance with the Fundamentals of Rangeland Health (Attachment 2) may either have a permit withheld or grazing modified.
- The Utah Guidelines for Grazing Management (Attachment 3) would be incorporated into, and become a part of, each grazing permit. Where terms and conditions described in this EA are more stringent than the Guidelines, the specific terms and conditions developed in this EA are what would be followed.
- Manage these allotments to achieve the following objectives, as described in Utah Standards for Rangeland Health (Attachment 4):
  1. Upland soils exhibit permeability and infiltration rates that sustain or improve site productivity, considering the soil type, climate, and landform.
  2. Riparian and wetland areas are in properly functioning condition. Stream channel morphology and functions are appropriate to soil type, climate, and landform.
  3. Desired species, including native, threatened, endangered, and special-status species, are maintained at a level appropriate for the site and species involved.
  4. Water quality standards established by the State of Utah (R.317-2) and the Federal Clean Water and Safe Drinking Water Acts would be applied and complied with on these allotments.
- Manage these allotments for late seral ecological condition or better for all ecological sites, and static to upward trend. The attainment of these objectives would be analyzed and evaluated within the limitations of the ecological site's potential. (Based on professional experience and the ecological site descriptions for the Kane County vegetative communities, it is expected that plant species diversity and the corresponding natural proportions of each plant species is in better balance with the endemic native fauna's needs when in late seral (good) ecological condition or better.)

### **Terms and Conditions**

- ◆ All grazing use shall be in accordance with the grazing regulations found in 43 CFR 4100, and shall meet the requirements as described in Attachment 2 - Fundamentals of Rangeland Health (43 CFR 4180). All livestock grazing use shall be managed according to the Utah Guidelines for Grazing Management (Attachment 3).
- ◆ Utilization of current year's growth (by weight) during the grazing season would not exceed 50% on key forage herbaceous species and 40% on key forage shrub species. The BLM would assess resource conditions through field inspections and determine whether the livestock should be moved prior to the specified move date(s). Move dates may be adjusted as needed when monitoring indicates maximum utilization has been reached, or due to unusual climatic conditions, fire, flood, or other act of nature. If maximum utilization is